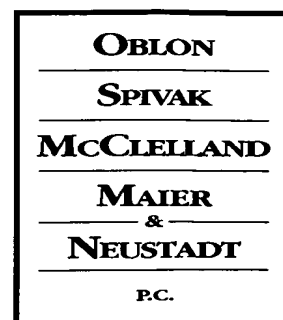


IFW



Docket No.: 247099US8CONT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

ATTORNEYS AT LAW

RE: Application Serial No.: 10/748,159
Applicants: Junji YOSHIDA, et al.
Filing Date: December 31, 2003
For: SEMICONDUCTOR LASER DEVICE,
SEMICONDUCTOR LASER MODULE, AND
OPTICAL FIBER AMPLIFIER USING THE
SEMICONDUCTOR LASER MODULE
Group Art Unit: 2828
Examiner: Armando Rodriguez

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Bradley D. Lytle

Registration No. 40,073

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

Scott A. McKeown
Registration No. 42,036



DOCKET NO: 247099US8CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
JUNJI YOSHIDA, ET AL. : EXAMINER: ARMANDO RODRIGUEZ
SERIAL NO: 10/748,159 :
FILED: DECEMBER 31, 2003 : GROUP ART UNIT: 2828
FOR: SEMICONDUCTOR LASER :
DEVICE, SEMICONDUCTOR LASER
MODULE, AND OPTICAL FIBER
AMPLIFIER USING THE
SEMICONDUCTOR LASER MODULE

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election Requirement stated in the Official Action dated February 23, 2006, Applicants in the above-identified patent application provisionally elect Species III, Claims 34-44, 49-56 and 59-62, pertaining to differing wavelengths.

The Election Requirement asserts that the application contains claims to distinct inventions. However, MPEP §803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be of an overlapping search area. Accordingly, Applicants respectfully **traverse** the Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Application No. 10/748,159
Reply to Office Action of February 23, 2006

However, if the present Election Requirement is not withdrawn, examination on the merits of the Claims 34-44, 49-56 and 59-62 is believed to be in order, and an early and favorable action to that effect is respectfully requested.

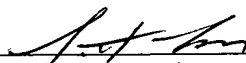
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Scott A. McKeown
Registration No. 42,036

I:\ATTY\BDL\24s\247099US\247099US.ELECTION.DOC